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July 28, 2008

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Hon. Colleen M. McMahon, U.S.D.J.
United States District Court
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: Duran v. J.C. Refinishing Contracting Corp., et al.
Docket No.: 07CV11584 (CM)(DFE)

Dear Judge McMahon:

I object to your Order of July 28, 2008 as it pertains to our client Tylman R. Moon & Associates, P.A.

On May 30, 2008, this Court rendered a decision, which discontinued the entire action and which in turn caused the entire case to be closed.

Upon receiving notice of this Order on June 2, 2008, I advised Mr. Duran promptly to immediately seek clarification from the Court and to seek restoration.

On June 3, 2008, while Mr. Duran was still in New York, I contacted him by letter that was faxed to his California office as well as his residence here in New York and provided him with new dates for depositions, which went unanswered to date.

I attach a copy of this Court's Order dated May 30, 2008 discontinuing this action, a printout from ECF indicating that this case was closed and our letters to Mr. Duran dated June 2, 2008 and June 3, 2008.

I do not believe that my client should be penalized based on what I believe to be the correct and appropriate action when I received notification from the Court that the entire case is closed.

In addition, as a result of Mr. Duran's involvement in other multi-million dollar lawsuits, he travels back and forth to New York on a regular basis. In addition, Mr. Duran will be present in New York when he deposes my client, Tylman Moon.

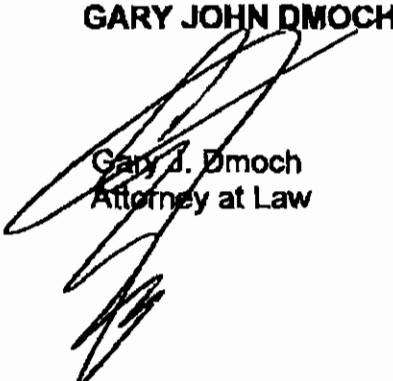
7/29/08
The case was NEVER discontinued as to your client. The 30 day closure order was entered on June 3. You should have asked me or the Magistrate about going forward with the ECF. Orders stands as written.

Page 2
July 28, 2008

Therefore, I respectfully request that the Court reconsider its Order of July 28, 2008 and not penalize my client for relying on the Court's records.

Thank you for your attention in this matter.

Respectfully,
GARY JOHN DMOCH & ASSOCIATES



Gary J. Dmoch
Attorney at Law

GJD/ps

Att.

CC: Kevin J. Kiley, Esq.
Timothy C. Duran